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C O N F I D E N T I A L SECTION 01 OF 03 PRISTINA 001095

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DEPT FOR DRL, INL, AND EUR/SCE, NSC FOR BRAUN, USUN FOR  
DREW SCHUFLETOWSKI, USOSCE FOR STEVE STEGER

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SUBJECT: KOSOVO: TRANSITION WORKING GROUPS BEGIN IN EARNEST

Classified By: COM TINA KAIDANOW FOR REASONS 1.4 (B) AND (D).

11. (C) SUMMARY: After a slow start, the five working groups on transition meeting since late November and bringing together representatives of UNMIK, the preparation team for the post-status International Civilian Office, U.S. representatives, and the Kosovo government have picked up their pace. Three additional working groups covering communication and public outreach, the drafting of a new constitution for Kosovo, and future elections are still being formed. Initial drafts of transition implementation plans for the five (legal issues, civil administration, governance, economy and property, and rule of law) were submitted December 15 and merged by UNMIK into a revised draft Transition Planning and Implementation non-paper (forwarded to EUR/SCE). While these initial drafts are incomplete, they serve to keep the momentum going as we enter the two-week holiday period when most internationals leave Kosovo on vacation. It is a key priority for us to ensure that these working groups make progress so that Kosovar authorities can take increased responsibility, and be effective in doing so, when final status is resolved. END SUMMARY.

First five working groups accelerate after slow start

12. (SBU) The five working groups dealing with the transition of UNMIK's remaining competencies to the Kosovo government and the post-UNMIK International Civilian Office (ICO) have begun weekly and, in some cases, twice-weekly meetings since their creation in November. (U.S. representatives are present in all working groups.) The five groups have already agreed on terms of reference for their work and discussed plans to implement the transfer of competencies set out in a Transition Planning and Implementation non-paper developed by UNMIK staff over the summer. The coordinators of four of the groups (covering property and economy, rule of law, civil administration and governance) submitted initial draft implementation plans on December 15. The coordinator of the fifth group on legal transition, the head of UNMIK's Office of the Legal Advisor, has promised that his group's draft plan will be ready the last week of December.

13. (C) After a slow start getting the Provisional Institutions of Self-Government (PISG) and opposition groups

to send the right representation, the groups have begun to discuss transition in earnest. The rule of law group (which quickly expanded to 29 participants) has discussed police and customs issues with international organizations currently performing these duties, first providing an overview of how they see transition and preparations for transition in their respective areas. The group then prepared a draft paper, to which representatives of the PISG provided comments. Not all has gone smoothly -- the group went somewhat off course by discussing issues like increasing the capacity of Kosovo's penal system, which, though needed, have nothing to do with post-status transitioning from UNMIK.

14. (SBU) According to UNMIK's draft transition document, the Property and Economy working group is charged with transferring UNMIK's responsibilities relating to the Kosovo Trust Authority, Kosovo Property Agency, banking regulation, the auditor general and other regulatory bodies. This group got off to the slowest start because the proper PISG experts had not been invited to the first several meetings. It has now taken up thorny issues which will need considerable international consensus and guidance, including the future of the Kosovo Trust Agency (the agency responsible for privatizing Kosovo's remaining state and publicly owned enterprises), as well as the role of the ICO in various regulatory bodies.

15. (SBU) The Civil Administration working group has tackled a wide range of issues ranging from preparation for a new census to voluntary returns and repatriation. UNMIK has three responsibilities regarding the census: providing technical assistance; providing two members to sit on the Central Census Commission, the body that coordinates all activities for census preparation; and cooperating with the

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Kosovo Assembly to determine the date of the census. UNMIK and the ICO will need to discuss which of these competencies will be transferred to the ICO. Transition of UNMIK's responsibilities for voluntary returns and repatriation to the PISG is already underway. Until the recent resignation of Slavisa Petkovic, the controversial Minister for Communities and Returns, the primary recipients of UNMIK competencies in the areas of returns were the Ministry of Local Government Administration (for voluntary returns), and the Ministry of Internal Affairs and Ministry of Labor and Social Welfare (for repatriations or other forced returns). (NOTE: It is still unclear if the departure of Slavisa Petkovic has rehabilitated the ministry. Current acting minister Branislav Grbic received high marks for his work as Acting Permanent Secretary and the current Acting Permanent Secretary, Slavica Cvijovic, attended the last working group

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meeting as the ministry's representative. END NOTE).

16. (C) The Governance working group deals with external relations, new Kosovo governmental structures that may be needed after status, decentralization, minority rights, cultural heritage, and emergency management and security (a separate working group will have to be created to deal with security organs after a decision on Kosovo's final status). This working group has also provided guidance on the transfer of UNMIK's archives and tasked the other working groups to develop a list of categories of archives and working documents that need to be handed over for the proper functioning of the successor authorities. Representatives from the Office of the Prime Minister (OPM) have begun work on the creation of a future Ministry of Foreign Affairs for Kosovo (if under the final status decision Kosovo becomes independent), while the ICO representative is preparing a version based on external relations being handled by an international organization like the ICO or the EU. The latest OPM proposal calls initially for a 60-person MFA. (NOTE: The former head of the British office in Pristina, Mark Dickinson, is advising PM Ceku on the creation of this

future MFA. END NOTE). The PISG is limited in its hiring by IMF restrictions on public employment. One possible source for slots would be to get rid of some of the 94 employees currently employed at the Kosovo Archives, a remnant of the socialist system of the former Yugoslavia, and transfer the billets to the new MFA.

¶17. (C) Included in this group's preliminary discussion of security issues has been the question of situation centers (SITCENS), military liaison offices and civilian authority over the Kosovo Protection Corps (KPC), currently exercised by UNMIK's Office of KPC Coordinator (OKPCC). In its December 19 meeting, ICO Coordinator Ben Crampton affirmed that the ICO saw no need for either an ICO SITCEN or military liaison office to replace those currently staffed by UNMIK. OKPCC head Maj. General Chris Steirn briefed the group December 19 on KPC transition, stressing that it would only be possible to begin planning for the future civilian authority over the KPC or any successor organization after Special Kosovo Envoy Martti Ahtisaari has presented his proposal to Belgrade and Pristina in early 2007.

¶18. (SBU) Meetings of the Legal Transition working group, led by the head of UNMIK's Office of Legal Affairs, have been the most contentious. The group has formed four sub-groups to transform all of UNMIK's Administrative Directions and legislation that currently govern Kosovo into interim legislation by the Kosovo Assembly. The aim is to divest UNMIK of responsibilities for governing Kosovo, a huge task which has only just begun. Our USAID representative on this working group, along with the ICO representative, has pushed the Coordinator to prioritize the work, but he has yet to effectively do so.

Three additional working groups just getting started

¶19. (SBU) Three new working groups on Kosovo's new constitution, elections, and public outreach are just getting started. Kosovo's Unity Team (UT) provided a list December 20 of its seven representatives to the constitution and

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elections working groups (divided roughly between the four major parties based on their representation in the Kosovo Assembly), but delayed a decision on naming a Kosovar representative to co-chair the meeting. Neither of these groups has met, and the current plan is for them to begin their work in January 2007 after internationals have returned to Kosovo from their holidays abroad. The ICO will chair the constitution Working Group. UT Coordinator Blerim Shala questioned Working Group on Elections co-chair and OSCE head Werner Wnendt's proposal to include representatives from NGOs in this group. He reiterated this opposition by the UT at the December 20 meeting of Strategic Group on Transition -- the body which oversees the entire transition process from a policy standpoint -- and requested that civil society representatives not be included in the early stages of the "political" discussions on future elections. USOP sponsored the initial meeting on December 20 of the Working Group on Public Outreach (reported septel), but subsequent meetings will likely be chaired by the OSCE with a Kosovar co-chair.

¶10. (C) COMMENT: The five existing working groups that have been meeting over the past month did, for the most part, meet their first deadline -- the submission of draft implementation plans by December 15. There is still much work to be done, but the collegiality and seriousness of the government and opposition representatives to the task ahead could bode well for the future of the transition process. We will do our part to ensure that these working groups make progress so that Kosovar authorities can take on increased responsibility, and be effective in doing so, when final status is resolved. END COMMENT.

¶11. (SBU) U.S. Office Pristina clears this cable in its

entirety for release to U.N. Special Envoy Martti Ahtisaari.  
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